handled by an agent residing on a *managed* computer. Rather in Muller, software distribution is handled by a software distributor residing on the *managing* computer.

In chapter 8 of Muller, beginning on page 163, Muller is addressing the issues of systems management. At page 180 Muller very specifically states that a software distributor makes the software updates. The software distributor resides on the controller system that manages the software distribution process. See Muller at page 180, lines 16 –17 and Figure 8-7.

Applicant notes that Muller discusses the functionality of the OperationsCenter's agent over 100 pages before page 180. That is, the functionality of the agent for the OperationsCenter is set out on page 69.

111 pages later, at page 180, Muller is no longer discussing the agent for the OperationsCenter. Muller is on a completely different topic. Specifically, Muller is discussing management tools including PerView, PerfRX, GlancePlus, OmniStorage, OmniBack, OpenSpool and Software Distributor. While these tools can be used with OperationsCenter, they are specific management tools and are not in any way identical to the agent discussed by Muller at page 69. See the discussion by Muller at page 163.

Particularly, a specific management tool discussed by Muller is the Software Distributor. The function of the software distributor is discussed by Muller at page 179 through page 182. The software distributor is not in any way identical with the agent discussed by Muller at page 69. These are different entities.

The claims of the present case specifically indicate that it is an agent, running on a managed computer that maintains specified applications residing on the managed computer, including making updates to the specified applications when new versions of the specified applications are available on the managing computer.

The fact that these updates are performed by an agent residing on the *managed* computer (instead of residing on the *managing* computer) is a significant improvement over prior art systems such as described by Muller, where entities like the "software distributor" typically reside on the *managing* computer. Muller discloses the software distributor residing on the controller system. See Muller at page 180, lines 16 –17 and Figure 8-7.

While Muller does disclose a software distributor (residing on the controlling system) which is used in the distribution of software, this is not identical with, nor does it disclose, the use of an agent residing on a *managed* computer, maintaining specified applications residing on the managed computer, including making updates to the specified applications when new versions of the specified applications are available on the *managing* computer.

Specific Discussion of Independent Claim 1

Claim 1 sets out a method by which a managing computer manages applications residing on a managed computer. In step (a) of claim 1, an agent is forwarded from the managing computer to the managed computer. The agent, upon arriving at the managed computer, installs itself on the managed computer. This is not disclosed or suggested by Muller. In fact Muller

3

teaches the opposite. Muller sets out that certain basic tasks are performed by the management server. These basic tasks include installing OperationsCenter agent software on managed nodes. See the third bullet listed on page 69. Thus installation is done by the management server and not by the agent.

Examiner has argued the following: " page 69, agent is on managed node and therefore has installed itself". See the Office Action dated 10/2/02 at page 2, lines 15-16. However Muller specifically contradicts this assertion by Examiner. Muller, beginning at page 68, specifically lists the basic tasks of the management server. Included in these tasks (see page 69, line 4) is the task of Installing OperationsCenter agent software on managed nodes. Examiner's assertion that the agent installs itself is thus specifically contradicted by the clear language of Muller.

Substep (a.1) of claim 1 indicates that the agent makes updates to the specified applications when new versions of the specified applications are available on the managing computer. This is not disclosed or suggested by Muller. As discussed above, Muller teaches the opposite. Muller teaches that a software distributor, not an agent, is used for making software updates. See Muller at pages 180 through 182. The software distributor is run on a controller system (not on a *managed* system). See page 180, lines 16 and 17.

An agent that installs itself and then is able to make updates to specified applications is a significant improvement over prior art systems. The use of an agent offloads much of the work typically done by management software operating at a centralized location.

4

Specific Discussion of Dependent Claim 3

Claim 3 indicates that the agent monitors network connection speed between the managed computer and the managing computer to determine a best time to transfer data from the managing computer to the managed computer. This is not disclosed or suggested by Muller. In Muller, the agent captures and logs performance metrics for the purpose of determining whether exception conditions exists. When an exception condition occurs, the agent notifies the central analysis workstation by sending an alarm. See page 164. Muller does not disclose or suggest an agent monitoring network connection speed between a managed computer and a managing computer *to determine a best time to transfer data.*

Specific Discussion of Dependent Claim 10

In claim 10 the agent additionally downloads a specified application from the managing computer to the managed computer and installs the specified application. This is not disclosed or suggested by Muller. As discussed above, Muller teaches that a software distributor, not an agent, is used for making software updates. See Muller at pages 180 through 182. The software distributor is run on a controller system. See page 180, lines 16, 17.

Specific Discussion of Independent Claim 11

Claim 11 sets out an agent running on a managed computer managed by a managing computer. The agent includes a main engine that maintains

5

the specified applications. Maintaining the specified applications includes making updates to the specified applications when new versions of the specified applications are available on the managing computer. This is not disclosed or suggested by Muller. As discussed above, Muller teaches that a software distributor on a controller system (See page 180), not an agent residing on a managed system, is used for making software updates. See Muller at pages 180 through 182.

Specific Discussion of Dependent Claim 12

Claim 12 sets out that the agent additionally comprises a network speed sensor that monitors network connection speed between the managed computer and the managing computer to determine a best time to transfer data from the managing computer to the managed computer. This is not disclosed or suggested by Muller. In Muller, the agent captures and logs performance metrics for the purpose of determining whether exception conditions exists. When an exception condition occurs, the agent notifies the central analysis workstation by sending an alarm. See page 164. Muller does not disclose or suggest a network speed sensor that monitors network connection speed between a managed computer and a managing computer to determine a best time to transfer data.

Specific Discussion of Independent Claim 17

Claim 17 sets out storage media that stores programming code which when run implements an agent running on a managed computer managed by

a managing computer. The agent includes a main engine that maintains the specified applications. Maintaining the specified applications includes making updates to the specified applications when new versions of the specified applications are available on the managing computer. This is not disclosed or suggested by Muller. As discussed above, Muller teaches that a software distributor, not an agent, is used for making software updates. See Muller at pages 180 through 182. The software distributor is run on a controller system. See page 180, lines 16 and 17.

Specific Discussion of Dependent Claim 18

Claim 18 sets out that the agent additionally includes a network speed sensor that monitors network connection speed between the managed computer and the managing computer to determine a best time to transfer data from the managing computer to the managed computer. This is not disclosed or suggested by Muller. In Muller, the agent captures and logs performance metrics for the purpose of determining whether exception conditions exists. When an exception condition occurs, the agent notifies the central analysis workstation by sending an alarm. See page 164. Muller does not disclose or suggest a network speed sensor that monitors network connection speed between a managed computer and a managing computer to determine a best time to transfer data.

Specific Discussion of Independent Claim 21

Claim 21 sets out a method by which a managing computer manages applications residing on a managed computer. In step (a) of claim 21, an agent is forwarded from the managing computer to the managed computer.
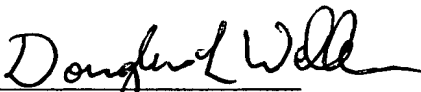
Substep (a.1) of claim 21 indicates that the agent maintains specified applications residing on the managed computer, including making updates to the specified applications when new versions of the specified applications are available on the managing computer. This is not disclosed or suggested by Muller. As discussed above, Muller teaches the opposite. Muller teaches that a software distributor, not an agent, is used for making software updates. See Muller at pages 180 through 182. The software distributor is run on a controller system. See page 180, lines 16 and 17.

An agent residing on a *managed* (rather than the *managing*) computer that is able to make updates to specified applications is a significant improvement over prior art systems. The use of an agent offloads much of the work typically done by management software operating at a centralized location.

Conclusion

Applicant believes that the present case is in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,
HUEY LY

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